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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/211,730	12/15/1998	KEITH C. THOMAS	450.241US1	9527

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GATEWAY, INC.
ATTN: SCOTT CHARLES RICHARDSON
610 GATEWAY DRIVE
MAIL DROP Y-04
N. SIOUX CITY, SD 57049

EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
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2611

9

DATE MAILED: 05/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/211,730

Applicant(s)

THOMAS, KEITH C.

Examiner

Andrew Y Koenig

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 5. does NOT place the application in condition for allowance because:

The applicant's arguments are not persuasive: Regarding applicant's argument to claim 1, the applicant argues that Williams fails to teach "a user-recognition input device that determines whether an additional user is newly present in a given area having access to the display" as recited in the claims. The examiner disagrees. Given the broadest reasonable interpretation in the art, Williams teaches the situation when a single person would be in a given area in that the microphone of Williams (claimed user-recognition input device) determines when the user speaks into the microphone that a user (claimed additional user) is newly present in the front of the computer (given area), which has access to the display. Clearly, the user has access to the display.

Furthermore, there exists no claim language that precludes the user interacting with the system in order to become identified.

The applicant further argues that in Williams "There is no concept of an additional user, only a new user. Clearly another user could be present, but if they are not using the system, they are not detected by Williams, and there is no restriction on the information being displayed based on the another user." The examiner agrees with the interpretation of Williams, but the claims are broader in that they can read on a single user along with the interpretation of a plurality of users as argued above.

Regarding claim 2, the applicant argues that the figure 2 containing "NEW USERS DETECTED?" further supports the applicant's reading of Williams as dealing with one user at a time. The examiner agrees with the applicant's reading, but whereas the claims can support dealing with more than one user, the claims fail to preclude a single user scenario of Williams.

Regarding independent claim 7, the applicant argues that Williams fails to teach "a user-recognition device that determines which users are present in a given area." Specifically, that other users may be near enough to see the display, but they are clearly not detected by Williams, whereas the examiner recognizes that this scenario may exist. The claims are broad enough to support the situations when a user is at the computer and is recognized, leaves the computer and another user is then recognized, in addition with that argued by the applicant. Furthermore, the examiner notes that there is no claim language which recites that the users are recognized at the same time

Regarding independent claims 13 and 19, the arguments for claims 13 and 19 have been addressed in the discussion of claim 1.

Regarding independent claim 24, the applicant argues that Williams fails to teach "determining which users are present in a given area;" the examiner disagrees, please see the discussion of claim 7. Additionally, the applicant argues that Williams fails to teach "which users are permitted to access to that content" and "selectively blocking display of content based on the access-allowed indication." The examiner disagrees; in regards to "which users are permitted to access to that content" the discussion of claim 7 discusses the temporal argument, and Williams clearly teaches blocking the display such as for parental control of content (col. 10, ll. 61-65; col. 15, ll. 44-63).

The applicant argues that there is no evidence for a suggestion to combine Lu and Williams. The examiner disagrees. Williams teaches the use of recognition devices, such as audio and visual recognition, but fails to teach a motion detector. This deficiency is taught by Lu in that Lu teaches a television system for determining whether the users are in a monitored viewing area. The examiner notes that both systems are related to viewing the television and gathering information about the user. The applicant further argues that there is no support for the motivation of "increase reliability and accuracy of viewer detection, when viewers enter or leave the viewing area," in that Williams only teaches detection of a single user. Whereas, the examiner agrees with the interpretation of Williams, clearly, viewers enter or leave the viewing area by having a single users at different times getting identified.